

PARKS AND RECREATION COMMITTEE

DATE: April 13, 2006

CALLED TO ORDER: 5:00 p.m.

ADJOURNED: 6:02 p.m.

ATTENDANCE

Attending Members

Vernon Brown, Chair
Bob Cockrum
Susie Day
Ron Gibson
Monroe Gray
Dane Mahern
Earl Salisbury

Absent Members

William Oliver

PROPOSAL NO. 182, 2006 - reappoints Thomas A. John to the Indianapolis Greenways Development Committee
"Strike" Vote: 7-0

PROPOSAL NO. 183, 2006 - reappoints Dennis Papenmeir to the Indianapolis Greenways Development Committee
"Strike" Vote: 7-0

PROPOSAL NO. 184, 2006 - amends Chapter 631, Article 1 of the Revised Code to add a new section limiting access of persons required to and or listed on the Indiana State Sex Offender Registry, as a result of a conviction of a child related offense, to public park facilities and playground areas
"Do Pass as Amended" Vote: 6-1

PARKS AND RECREATION COMMITTEE

The Parks and Recreation Committee of the City-County Council met on Thursday, April 13, 2006. Chair Vernon Brown called the meeting to order at 5:00 p.m. with the following members present: Bob Cockrum, Susie Day, Ron Gibson, Monroe Gray, Jr., Dane Mahern, and Earl Salisbury. Absent was William Oliver. Also in attendance were Councillors Lincoln Plowman and Mary Moriarty Adams.

Neighbor Woods Program presentation

David Forsell, President of Keep Indianapolis Beautiful, gave a presentation on the importance of trees in the neighborhoods. He said studies have shown that crime rate is lowered where more trees are present. Trees provide for cleaner air, water and increased property values. Attached is the complete presentation (Exhibit A).

Councillor Salisbury asked if there is a certain neighborhood that proves trees have decreased crime. Mr. Forsell said a study done by the University of Illinois shows that the more trees and green space there were in a neighborhood in Chicago, the less reports were made on property and violent crime.

Chair Brown asked for consent to hear Proposal Nos. 182 and 183, 2006 together. Consent was given.

PROPOSAL NO. 182, 2006 - reappoints Thomas A. John to the Indianapolis Greenways Development Committee

PROPOSAL NO. 183, 2006 - reappoints Dennis Papenmeir to the Indianapolis Greenways Development Committee

Chair Brown stated that Mr. John has not attended his required amount of meetings and Mr. Papenmeir has moved and can no longer serve on the committee.

Councillor Gibson moved, seconded by Councillor Cockrum, to "Strike" Proposal Nos. 182 and 183, 2006. The motion carried by a vote of 7-0.

PROPOSAL NO. 184, 2006 - amends Chapter 631, Article 1 of the Revised Code to add a new section limiting access of persons required to and or listed on the Indiana State Sex Offender Registry, as a result of a conviction of a child related offense, to public park facilities and playground areas

Councillor Moriarty Adams asked the committee to pass this proposal on behalf of all children, parents and guardians, and the victims. She said last fall she was approached by constituents that were concerned with how easy it can be for sex offenders to be around parks and playgrounds. She said this proposal will restrict convicted sex offenders from being within 1,000 feet of a public playground, recreation center, bathing beach, swimming or wading pool, sport facility or sports field when children are present, unless the person is accompanied by an adult who is not listed on the registry. Councillor Moriarty Adams said this proposal takes away the sex offender's ability to search for children in and around play areas. She said Park Rangers will assist in enforcing the ordinance if it becomes law.

Councillor Gray moved, seconded by Councillor Gibson to "Amend" Proposal No. 184, 2006 Section 1 (b) to read: "However, this section shall not apply to any person whose name has been removed from the registry by act of a court or by expiration of the term such person is required to remain on the registry pursuant to IC 5-2-12" (Exhibit B, attached). The motion carried by a vote of 7-0.

Councillor Gibson asked if the proposed fines could be read. Councillor Moriarty Adams said a person who violates the proposed ordinance will be punished by the following:

- A fine not exceeding \$300 for a first violation
- A fine not exceeding \$500 for a second violation
- A fine not exceeding \$2,500 for each additional violation

Councillor Gibson asked how the proposed ordinance would handle convicted sex offenders who already live 1,000 feet within the listed locations. Aaron Haith, General Counsel, said the convicted sex offender has to get permission from their parole officer or probation officer for approval of that address.

Councillor Cockrum asked how offenders will be cited. Counsel Haith said currently all violations are handled by citations.

Councillor Salisbury asked that if a pool was in the middle of a park would the measurements be 1,000 feet from the pool or the outside entrance of the park. Counsel Haith said in this particular case it would be 1,000 feet from the pool.

Councillor Plowman said he is in favor of the proposal but would like to see it tightened up in certain areas. He also asked what can be done when an offender does not pay the fine(s). Kobi Wright, Corporation Counsel, said the offender will continue to be pursued until they pay (continue taking them to court). Councillor Plowman asked how double jeopardy cases will be handled. Mr. Wright clarified that this is a civil violation and not a criminal violation and there can be no double jeopardy because civil and criminal are two separate violations.

Councillor Cockrum asked what would happen if an offender goes back to court and still has not paid the fine. Mr. Wright said a judge could impose an additional amount but it is not spelled out in the ordinance.

Councillor Mahern asked where the fees are. Counsel Haith said unless told otherwise the fees will go to the General Fund.

Councillor Plowman stated that some sex offenders may work in pairs and the other person may not be on the list. Counsel Haith said that they cannot prosecute people that are suspected to be sex offenders. Councillor Plowman said his concern is not with the person that is not on the list but with the person

who is on the list. He said he wants to keep those on the sex offender registry out of restricted areas regardless if they are accompanied by another adult.

Janet Boeldt, member of Families And Children Exploited Sexually (FACES), said every year in Marion County there are hundreds of young boys arrested as sex offenders for exploring their sexuality, not as rapists. She said some of these boys who are put into institutions are abused mentally, emotionally and physically. Ms. Boeldt said it is a random pick of who is put in the institutions and not by how many victims they have. She said when the young boys are released, they are behind in school, are angry at adults and authority, and experience lack of trust. She said these boys already experienced rough times being accepted at colleges and cannot enter the military, and asked what else will be taken away from them. She asked the Council to remember that at least 75% of children in Marion County are participating in the same type of consensual activities as these convicted children.

Dawn Robertson, Co-founder of FACES, she said her son was charged with child molestation that involved normal child exploration. She said the law does not help the problem but creates more problems. Ms. Robertson said her son experienced the abuse and there was no protection for him. She said kids are not being molested in parks; 95% of the time kids are molested by a family member or by someone they know. She asked the Council to study this issue more, because it is not clear who is a serious threat and who is not.

Councillor Moriarty Adams said she believes juvenile records are sealed after the age of 18 and not necessarily following the juvenile into adulthood. Ms. Robertson said juvenile records are not sealed, and it is up to the judge to add them to the sex offender registry. Counsel Haith said you cannot be a sexual predator in Indiana unless the offender is over 18 years of age.

Councillor Gibson moved, seconded by Councillor Gray, to send Proposal No. 184, 2006 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 6-1. Councillor Salisbury cast the negative vote.

With no further business pending, and upon motion duly made, the Parks and Recreation Committee of the City-County Council was adjourned at 6:02 p.m.

Respectfully submitted,

Vernon Brown, Chair
Parks and Recreation Committee

VB/as